

APPEAL NO. 030477
FILED MARCH 14, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 3, 2003. The hearing officer determined that there is no good cause to relieve the appellant (claimant) of the effects of the Benefit Dispute Agreement (TWCC-24) approved by the Texas Workers' Compensation Commission on September 30, 2002. The claimant appealed and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that good cause does not exist to relieve the claimant from the effects of the TWCC-24. The claimant contends, essentially, that she did not understand the effects of the agreement before signing it, that she was under the effects of her medications, that she was coerced and placed under duress to sign the agreement, that the agreement was not explained to her, that she only signed one page of the agreement, and that critical terms of the agreement were filled in after she signed it, therefore, she should be relieved from its effects. The hearing officer considered the evidence and found that the claimant failed to meet her burden of proof on the issue. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence. In view of the evidence presented, we cannot conclude that such finding is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Accordingly, the hearing officer did not abuse his discretion in deciding that good cause does not exist to relieve the claimant from the effects of the agreement. Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Daniel R. Barry
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Edward Vilano
Appeals Judge